

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2723 of 2006

DATED: 14-02-2006

Between:

Meenisetti Kousalya

W/o. Hanumantha Rao ...Petitioner

And

The District Collector,

Prakasam District at Ongole

And two others ...Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2723 of 2006

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ORDER:

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The present writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not supplying certified copy of the report of the Mandal Revenue Officer, Inkollu as illegal and arbitrary.

It is stated that the petitioner is in continuous possession and enjoyment of the land of an extent of Ac.1-53 cents of land comprised in R.S.No.461/2 of Koniki village of Inkollu Mandal, Prakasam District and her name was also mutated in No. 10(1) account of the said village and accordingly, the Mandal Revenue Officer,

Inkollu, granted pattadar passbook and title deed in her favour. Questioning the said grant of pattadar pass book and title deed in favour of the petitioner, one N. Subba Rao of Koniki village filed an appeal before the Revenue Divisional Officer, Ongole, Prakasam District, 2nd respondent herein, and the second respondent called for remarks from the 3rd respondent-Mandal Revenue Officer, Inkollu. Then the 3rd respondent sent a report dated 23-09-2005 to the second respondent. It is stated that the petitioner for obtaining the certified copy of the said report, filed an application by paying Rs.50/-. But, the appellate authority refused to supply the same on the ground that it is the internal correspondence of the department and the said report cannot be furnished.

In that view of the matter, when an appeal is filed and a report is submitted by the 2nd respondent to the 3rd respondent, and if such report is required to meet the contentions of the appellant, it is just and proper to supply the same. Therefore, I am of the opinion that there is no justification on the part of the respondent authorities in refusing to furnish the copy of the said report.

Having regard to the facts and circumstances of the case, the 2nd respondent is directed to furnish the copy of the said report to the petitioner on payment of necessary charges and if the appellant N. Subba Rao, Koniki village also made such a request, he can also be supplied the copy of the report so as to enable the petitioner and the said Subba Rao to advance their arguments to meet the objections either with regard to that report or with regard to the averments made in the appeal.

Writ petition is accordingly disposed of directing the 2nd respondent to furnish the copy of the report in Rc.ROR/2005 dated 23-09-2005 sent by the 3rd respondent to the 2nd respondent within two weeks from the date of receipt of a copy of this order. No order as to costs.

V. ESWARAI AH, J.

Dated: 14-02-2006.

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